IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.17500 of 2007
DATED 21-8-2007

BETWEEN
Amberpet Laxmi

.. Petitioner

And

The District Collector,
Karimnagar, Karimnagar District and 3 others.

.. Respondents

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.17500 of 2007

Oral Order:

The petitioner is an owner of land admeasuring Ac.1.24 guntas in Survey No.375 situate at Yellareddypet Village and Mandal in Karimnagar District. When there was a move to delete his name from the records of rights, he made a representation to the District Collector on 10.3.2006, in vein. Therefore, she filed Writ Petition No.7158 of 2006 before this Court seeking a direction to respondents 1 to 3 not to alter the record of rights. The writ petition was disposed of by this Court on 13.4.2006 directing the District Collector not to alter the record of rights without giving notice to the petitioner. After disposal of the writ petition, it appears the first respondent directed the third respondent on 17.11.2006 to conduct enquiry. The Mandal Revenue Officer then conducted an enquiry and submitted a report on 19.5.2006. It is alleged that the Mandal Revenue officer conducted

enquiry without notice to the petitioner and he sent a report under the influence of the fourth respondent who is none other than the brother of the petitioner. It is further alleged that by proceedings dated 19.5.2007, the Revenue Divisional Officer directed the Mandal Revenue Officer to send a detailed report along with necessary evidence. Even while the same is pending, the fourth respondent filed Writ Petition No.7719 of 2007 seeking a direction to the Revenue Divisional Officer to issue pattadar passbooks . This writ petition was also disposed of by this court on 5.6.2007 observing that the Tahsildar should complete the exercise and pass necessary orders within a period of four weeks from the date of receipt of a copy of the said order. The enquiry is still pending before the third respondent. The petitioner alleges that as directed by the second respondent, the third respondent did not submit a fresh detailed report but he is trying to amend the pattadar pass book and title deed deleting the name of the petitioner. Therefore, the present writ petition is filed seeking a direction to the respondents to conduct enquiry after giving notice to the petitioner.

Yesterday, preliminary arguments were heard by this court in this matter. The learned Assistant Government Pleader was directed to get instructions from the third respondent as to whether the enquiry is still pending or not. After getting instructions, he submits today that the third respondent has not issued any proceedings altering the record of rights or pattadar passbooks. In view of the same, this Court is of the considered opinion that the third respondent should dispose of the matter in accordance with the provisions of the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971 and the Andhra Pradesh Rights in Land and Pattadar Passbooks Rules, 1989.

Before parting with this case, this Court also observes that even if a person makes an application to the District Collector in the matter of issue of pattadar pass book/title deed or the correction of entries in the record of rights, the primary authority is only the Mandal Revenue Officer and it is not necessary for such primary authority always to send a report to the Revenue Divisional Officer who is appellate authority or a District Collector who is the revisional authority. The Mandal Revenue Officer has to exercise his powers independently without being influenced and without abdicating the powers vested in him under Sections 4 and 5 and relevant rules. Therefore, the third respondent should conduct a thorough enquiry before issuing notice to the petitioner and fourth respondent and pass necessary orders in the matter. This exercise may be completed

within a period of eight weeks from the date of receipt of a copy of this order.

V.V.S.RAO,J

Dated 21.8.2007

msv